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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,834	02/01/1999	VAUGHN S. IVERSON	42390.P4114	9209
7590	05/07/2004		EXAMINER	
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN MICHAEL A PROKSCH 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES, CA 90025			LEE, JOHN J	
			ART UNIT	PAPER NUMBER
			2684	5

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/241,834	IVERSON, VAUGHN S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOHN J LEE	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-11 and 13-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-11 and 13-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 3-11, and 13-19 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1, 3-8, 10, and 13-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US Patent number 6,226,367).

Regarding **claim 1**, Smith discloses that an electronic appliance implemented method (Fig. 3 and abstract). Smith teaches that ascertaining a current location/location type of the electronic appliance (Fig. 6, 9 and column 7, lines 31 – 67). Smith teaches that identifying an appliance personality (Fig. 6, 9, where teaches mobile, home, or office) from a plurality of available personalities (Fig. 6, 9) based, at least in part, on the

ascertained current location/location type of the electronic appliance (Fig. 6, 9 and column 7, lines 31 – 67, where teaches identifying the location type of the electronic device). Smith teaches that provisioning the identified appliance personality on the electronic appliance (Fig. 9) but allowing access (Fig. 8D) to all appliance personalities (home, office, or mobile) in any location (Fig. 6, 9, column 7, lines 31 – 67, and column 6, lines 45 – 62). Smith teaches that selecting and providing a user interface (selecting the icon which is user interface see column 6, lines 63 – column 7, lines 3) and an application set from a plurality of available user interfaces (Fig. 9 teaches plurality of user interface such as home, mobile, office) and application sets to reflect the identified appliance personality (Fig. 6, 9, column 7, lines 31 – 67, and column 6, lines 45 – 62, where teaches application format and response to the identifying icon by user).

Regarding **claim 3**, Smith discloses all the limitation, as discussed in claim 1. Furthermore, Smith further discloses that receiving one or more signals containing information from a corresponding one or more sources (Fig. 4, 6 and column 3, lines 14 – 31). Smith teaches that extracting information embedded within the received one or more signals (Fig. 5, 6, column 3, lines 14 – 31, and column 6, lines 20 – 44). Smith teaches that determining the current location/location type of the electronic appliance from the information associated with the received one or more signals (Fig. 16 and column 10, lines 35 – column 11, lines 25).

Regarding **claim 4**, Smith discloses that the one or more sources are satellites designed to provide a global positioning system (GPS) signal (Fig. 2 and column 10, lines 53 – 63).

Regarding **claim 5**, Smith discloses that one or more sources are cellular communication transmitters designed to provide a plurality of control signals containing information regarding a location of the transmitters and a timestamp of when the received signal were transmitted (Fig. 6, 16 and column 10, lines 53 – column 11, lines 20, where teaches received updating command signal including location information and timer measures timing of call).

Regarding **claim 6**, Smith discloses that the current location/location type of the electronic appliance is calculated using a triangulation technique (one of standard techniques for measuring/calculating location/position, column 10, lines 53 - 63).

Regarding **claim 7**, Smith discloses that the current location/location type of the electronic appliance is determined by cross referencing a calculated relative position against a database of locations (column 10, lines 35 – column 11, lines 20 and Fig. 6, 16).

Regarding **claim 8**, Smith discloses that the plurality of appliance personalities is pre programmed in the appliance and reside in an interface database (Fig. 4, 6 and column 5, lines 47 – column 6, lines 44).

Regarding **claim 10**, Smith discloses all the limitation, as discussed in claims 1 and 3. Furthermore, Smith further discloses that a receiver (420 in Fig. 4), coupled to an antenna (410 in Fig. 4), to receive signals including information (Fig. 4, 6 and column 3, lines 14 – 31). Smith teaches that a processor (430 in Fig. 4), coupled to the receiver (420 in Fig. 4). Smith teaches that a storage medium (440 in Fig. 4) having stored therein a plurality of processor executable instructions for selectively implementing a plurality of appliance personalities (home, office, or mobile) for the electronic appliance, but access

to all appliance personalities in any location is allowed (Fig. 5, 9 and column 5, lines 55 – column 6, lines 62, where teaches memory contains a database storing various type of data including a table and program code used by feature processor and can access to all icons). Smith teaches that the storage medium having stored therein a plurality of instructions for a plurality of user interfaces and application sets which are selectively executed by the processor to provision appliance personalities (Fig. 5, 9, column 5, lines 55 –column 6, lines 62, and column 7, lines 31 – 67).

Regarding **claim 13**, Smith discloses all the limitation, as discussed in claims 4 and 10.

Regarding **claim 14**, Smith discloses that the antenna is a radio frequency (RF) antenna (Fig. 4 and column 5, lines 16 – 22).

Regarding **claim 15**, Smith discloses that the antenna is a photovoltaic cell operative to receive infrared (IR) signals (Fig. 4 and column 5, lines 16 – 35).

Regarding **claim 16**, Smith discloses that the plurality of appliance personalities includes a personality unique to a home environment (Fig. 6, 9 and column 7, lines 13 – 54).

Regarding **claim 17**, Smith discloses that the plurality of appliance personalities includes a personality unique to an office operating environment (Fig. 6, 9 and column 7, lines 13 – 54).

Regarding **claim 18**, Smith discloses that the plurality of appliance personalities includes a personality tailored for a mobile operating environment (Fig. 6, 9 and column 7, lines 13 – 54).

Regarding **claim 19**, Smith discloses all the limitation, as discussed in claims 1 and 10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Murata (US Patent number 6,181,952).

Regarding **claims 9 and 11**, Smith does not specifically disclose the limitation “one or more memory cards are removably coupled to the electronic appliance”. However, Murata discloses the limitation “one or more memory cards are removably coupled to the electronic appliance” (column 3, lines 20 – 31 and Fig. 1, where teaches the memory can be detached from the body of the mobile communication unit). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Smith structure as taught by Murata, provide the motivation to achieve making unnecessary to previously load the body of the unit with information about the service area.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sizer, II et al. (US Patent number 6,021,324) discloses Controlling an Appliance Situated within a Premises Using Premises Recording Unit.

Siccardo et al. (US Patent number 6,591,112) discloses Communication System and Device Using Dynamic Receiver Addressing.

Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is (703) 306-5936. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on (703) 308-7745. Any inquiry of a general nature or

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relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L.  
April 28, 2004



John J Lee

NICK CORSARO  
PATENT EXAMINER